

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA,

v.

Criminal No. 3:13cr133 (DJN)

JOSEPH A. PRATER, SR.,
Defendant.

ORDER
(Sealing Defendant's Reply and Exhibit A)


This matter comes before the Court on Defendant's Motion to Seal Reply and Exhibit A to United States Response to Motion for Compassionate Release (ECF No. 57), moving to seal his Reply to the Government's Response to his Compassionate Release Motion and Exhibit A thereto. The Court may seal a filing after: (1) providing public notice of the request to seal and allowing interested parties a reasonable opportunity to object; (2) considering less drastic alternatives to sealing the documents; and, (3) providing specific reasons and factual findings supporting its decision to seal and for rejecting the alternatives. *Ashcroft v. Conoco*, 218 F.3d 288, 302 (4th Cir. 2000). After review of the Motion and Exhibit at issue, the Court agrees that the documents contain confidential medical information of a sensitive and personal nature. As such, the Court FINDS that the public's right of access is outweighed by competing interests — in particular, Mr. Prater's privacy interests. Indeed, the information at issue is otherwise protected under federal law by the Health Insurance Privacy and Portability Act.

For the reasons set forth above, and pursuant to Local Rule 49, the Court hereby GRANTS Defendant's motion (ECF No. 57) and DIRECTS the Clerk to FILE UNDER SEAL Defendant's Reply to the Government's Response to his Compassionate Release Motion and

Exhibit A thereto. The documents will remain sealed until further Order of the Court. This Order hereby serves as NOTICE to the public that the Court has sealed the documents described above. Should any party or any member of the public object to this Order, that party or individual shall file a document with the Court setting forth that objection. The Court will then hold a hearing on the objection.

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is so ORDERED.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia

Dated: December 3, 2020